

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Alexander Tetelbaum
Serial Number: 09/827,434
Filed: April 6, 2001
Title: Wire Delay Distributed Model
Examiner: Brandon Bowers
Group Art Unit: 2825
Attorney Docket: 00-294

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AMENDMENT

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Sir:

This amendment is filed in response to the Office Action dated June 30, 2004.

REMARKS

Claims 1-17 are in the case and subject to a restriction requirement. Applicants hereby elect with traverse to prosecute the claims of group 2, including claims 6-17, drawn to delay estimation, classified in class 716, subclass 6. Thus, claims 1-5, drawn to clock buffer output delay calculation, classified in class 716, subclass 4, are withdrawn from consideration. Reconsideration is requested.

However, restriction is not required by 35 U.S.C. § 121, as suggested in the office action. Congress wisely granted the *discretion* to restrict applications. According to 35 U.S.C. § 121 "... the Commissioner *may* require the application to be restricted...." (emphasis added). Likewise, MPEP § 803 lists two criteria that must be present for restriction to be proper:

1. The invention must be independent or distinct; and
2. There must be a serious burden on the examiner if restriction is not required.

LSI LOGIC

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Number of Pages Including this Page 4

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MESSAGE:

US Serial No.: 09/827,434
Filing Date: April 6, 2001
Group Art Unit: 2825
Docket No: 00-294
Examiner: Brandon Bowers
Response to Restriction Requirement

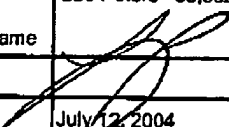
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PTO/SB/21 (02-04)

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/827,434	
	Filing Date	April 6, 2001	
	First Named Inventor	Alexander Tetelbaum	
	Art Unit	2825	
	Examiner Name	Brandon Bowers	
Total Number of Pages in This Submission	3	Attorney Docket Number	00-294

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Date	July 12, 2004	

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